



An  
Bord  
Pleanála

## Inspector's Report ABP-303072-18

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<b>Development</b>	Construction of 14 no. apartments.
<b>Location</b>	Moneenageisha Road, Galway.
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	17382
<b>Applicant(s)</b>	Oakway Developments.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Katherine Craugwell.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	20 <sup>th</sup> of February 2019
<b>Inspector</b>	Karen Hamilton

## 1.0 Site Location and Description

- 1.1. The subject site faces directly onto the Moneenageisha Road (R338) a main transport route east of a major junction into Galway City Centre. The site is an overgrown brownfield site where three dwellings have been demolished and removed.
- 1.2. To the west of the site there remains two detached dwellings, both fronting onto the main R338, with individual vehicular access. To the west of these dwellings is the Galway Financial Service Centre (GFSC) which comprises of three large commercial buildings fronting onto the R338.
- 1.3. The site backs onto (north) a mixed use commercial development and the Galway Community College. The north and east boundaries contain large leylandi trees which dominate the site and separate another dwelling to the east which fronts onto the adjoining junction.

## 2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:

Construction of 14 no apartments:

- a) 2- storey apartment block with 2 x 2 bed apartments and 2 x3 bed apartments with an overall floor area of 381.76 m<sup>2</sup>,
- b) 4- storey apartment block with 2 x1 bed apartments and 8 x 2 bed apartments with an overall floor area of 772.1m<sup>2</sup>.
- c) Access road, car parking facilities, bin storage and other associated works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to grant permission subject to 23 no. conditions of which the following are of note:

C 2- Completion of a road median restricting right hand turns into the development entrance prior to the occupation of the residential units.

C 3- Submission for an appropriate name for the written agreement of the Council.

C 4- Submission of the exact stone finish for the treatment of the boundaries.

C 6- Management Company details.

C 7- No additional plant or flue on the roof level.

C 8- Submission of a landscaping scheme.

C 14- Submission of the exact line and configuration of the junction of the access road for the written agreement of the Planning Authority.

C 21- Submission of a Section 48 payment.

C 22- Submission of a Bond or Cash Deposit.

C 23- Part V agreement.

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information and clarification of further information as summarised below:

#### Further Information

- A revised scheme was submitted including amendments to the front elevation onto the main road, change of orientation of the apartments to take advantage of the south facing aspect and a set back of the upper floors so as to be aligned with commercial properties to the west of the site.
- Submission of site sections showing the ground levels of the site and surrounding area.
- Compliance with the apartment guidelines, alterations to the high level windows, apartment location, ground floor access and amenity space.
- Alterations to the access and entrance to include revised sightlines, submission of autotrack analysis, and inclusion of a central median along the Moneegeshia Road, Road Safety Audit, and pedestrian access point.
- Submission of a Traffic and Transport Assessment

- Inclusion of the location of the foul rising main
- Amended landscape design.

#### Clarification of Further Information

- Further alteration of the design of the apartments and balconies recessed by a minimum of 11m from the boundary they face, while the windows are facing southwards to allow sunlight to those rooms and address any overlooking concerns.

The report of the planner considered the submitted alterations addressed the area of concern and considered the overall scheme would add to the public realm and was off a sufficient distance to prevent any overlooking on the adjoining property.

#### 3.2.2. Other Technical Reports

Roads Department- No objection subject to conditions

Drainage Department- No objection subject to conditions.

Recreation and Amenity- Request additional information on landscaping.

Chief Fire Officer- No objection to proposal.

#### 3.3. **Prescribed Bodies**

Irish Water- No objection to the proposal.

#### 3.4. **Third Party Observations**

Three submissions were received from residents to the west and in the vicinity of the site, both on the initial application and the further information and the issues raised have been reiterated on the grounds of appeal as summarised below:

- Increase of glare from additional traffic movements from cars accessing and regressing,
- Increase in anti-social behaviour,
- Impact on the adjoining traffic,
- Loss of privacy,

- Impact on visual amenity,
- Devaluation of dwellings,
- Alteration of building line,
- Change of stability of foundations.

## 4.0 Planning History

### Reg Ref No 09/474

Permission granted for the demolition of 3 no existing houses with site clearance and construction of a new boundary wall and railing subject to 8 no. conditions.

Condition No 3 required the submission of a landscape plan and no tree felling to scrub removal was permitted during the bird nesting season (01<sup>st</sup> of March and 31<sup>st</sup> of August)

## 5.0 Policy Context

### 5.1. National Guidance

National Planning Framework (2018)

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009). Urban Design Manual, A Best Practice (DOEHLG, 2009).

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2015).

Urban Design Manual- A Best Practice Guide and the Design Manual for Urban Roads and Streets (2013) DMURS.

### 5.2. Galway City Development Plan 2017-2023

The site is located within the residential zoning, R, where it is an objective to *“provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods”*

## **Section 2.2 Housing Strategy**

- Ensure a mix of house types and sizes including the special requirements of elderly persons and persons with disabilities.

## **Section 2.6: Neighbourhood concept (Fig 11.34)**

- The site is located on the edge of Inner Residential Area and within Established Suburbs
- Sustainable high quality neighbourhoods can support residential areas.

## **Section 8.7: Urban Design**

- Ensure high quality urban design in all developments.
- Improve qualitative design standards through the application of design guidelines and standards of the Development Plan,

## **Section 9.8 Sustainable Urban Drainage Systems (SUDS)**

- Policy 9.8 SUDS- Ensure the uses where practical to enable surface water to be managed.

## **Section 11.3.2: Established Suburbs**

- Higher densities may be appropriate when new residential development or commercial/ community development has regard to the prevailing pattern, form and density of these areas.
- The design of the roads shall have regard to Design Manual for Urban Roads and Streets (DMURS) (DTTS and DECLG 2013) and Manual for Streets (DOT UK, 2007).

### **Section 11.3.1- Residential**

- Overlooking – No overlooking on private open space, min separation distance of 11m above ground floor and over 2 storeys may require greater than 11m.
- Distance between dwellings – minimum of 1.5m between side gables and side boundaries.
- Open Space – 15% of communal recreation and amenity required which shall not include narrow pedestrian walkways.

- Table 11.2 indicative examples of recreational facilities for residential developments. No of res units-11-20: seating, barbecue area.

### **Section 11.10: Transportation**

- Parking - 2 on site per dwelling and 1 per 3 dwellings for visitors.

### **5.3. Natural Heritage Designations**

The site is located c.200m north of Galway Bay Complex SAC (site code 000268) and c. 300m north of the Inner Galway Bay SPA (site code 004031).

### **Environmental Impact Assessment**

- 5.4. Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal are submitted from a resident of the dwelling located to the west of the site and the issues raised are summarised below:

#### Overlooking

- The second and third floors of the proposed apartment block will look directly into the backyard.
- The balconies, provided along the south-west of the proposed development will be used for socialising and there is potential for noise and anti-social activity.

#### Undermining existing dwelling

- The existing ground levels on the development site, directly outside the boundary wall, varies between 7.35m and 8.35m OD.
- The plans indicate ground levels reduced to 6.96OD which is approximately 1.5m less.

- The reduction in ground level will cause significant undermining of the existing boundary wall along the eastern boundary of the property and foundations.
- There is no mitigation for any significant impact on the property.

#### General

- The access into the site, directly adjacent to the existing boundary wall will affect the privacy of the dwelling from noise and lack of security.

#### Insufficient Scope

- The description of the proposed development does not encompass the entire scope of the works need to carried out the development.
- The proposed development does not include the demolition and removal of the foundation structure of the original dwelling which also contains asbestos.

### **6.2. Applicant Response**

A response to the grounds of appeal has been received from an agent on behalf of the applicant and the issues raised are summarised below:

#### Background

- A background to the site location and context is provided.
- The site is located within an established suburb neighbourhood, as identified in the development plan.
- The prevailing character of the area is predominantly commercial although there is some low density residential developments.
- The proposal includes a high quality mixed tenure, 3 to 4 storey high residential development for 14 no. apartments.

#### Planning Context

- The proposed development is supported by the NDF which supports compact urban form and Galway is identified as a key regional centre.
- The Regional Planning Guidelines (RPGs 2010) – West Region envisages the growth of Galway City to be a compact sustainable form



- Sustainable Development in Urban Areas (2009) promotes development in city centres and brownfield sites and development should be close to existing or future public transport corridors.
- Sustainable Urban Housing: Design Standards for New Apartments (2018) promotes apartment development in urban locations and Section 2.4 of the guidelines include a criteria for higher density apartments.
- Guidelines on Urban Development and Building Heights (2018) support the delivery of consolidated urban form particularly in relation to brownfield and edge of urban areas.
- The zoning on the site and policies and objectives of the Galway City Development Plan support higher density.

#### Scale & Height

- The grounds of appeal have referenced out of date plans as a greater setback was included between the applicants dwelling and the proposed development.
- Prior to the demolition of the dwelling on the site, there was no set back between the previous dwelling and the appellant's site.
- The proposal is stepped to respect the site and the character of the surrounding area.
- A shadow projection accompanied the application.
- Planning Permission was granted (PL61.246807) for an apartment development c. 315m west of the subject site.

#### Overlooking

- The appellant is referencing drawings which changed during the planning process.
- Section 11.3.1 (d) requires a minimum of 11 m at the first floor between private open space land or development lands.
- The planning authority where satisfied with the CFI and the amended design including recessed balconies 11 m from the boundaries they face and the south facing windows to allow sunlight and prevent overlooking.

- A submitted drawing illustrating the alterations proposed in the clarification of further information for the second floor balcony which includes an 11m set back from the appellant's boundary.

#### Undermining of the dwelling foundation

- A structural engineers report accompanied the applicant's response querying the impact from the foundation.
- Section drawings have been submitted which include a proposed cantilever retaining wall along the boundary between the appeal site and the applicants dwelling and rear garden.
- There is no objection to the Board including an additional condition which is akin to Condition No. 19 requiring that all retaining walls are constructed by a suitably qualified Structural Engineer with a structural certificate forwarded to the Local Authority.

#### Vehicular Noise Concerns

- The site is in a built up area along major Regional Road (R338), which links Tuam Road (R336) Old Dublin Road and Monivea Road (R339).
- The baseline noise would already be very high at this location
- Having regard to the location of the site the development will have the benefit of frequent bus routes, access to services, infrequent trip generation.

#### Adequacy of Development Description

- The development description includes sufficient information to comply with the requirements of the Regulations and it is noted the appellant was aware of the application to make submissions.

#### Alleged Asbestos content

- The submitted engineers report noted no recorded asbestos on the site and should any be found it would be removed as per standard construction practice and other relevant legislation.

### 6.3. **Planning Authority Response**

None received.

### 6.4. **Observations**

None received.

## 7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Impact on Residential Amenity
- Impact on Visual Amenity
- Access
- Appropriate Assessment

### **Impact on Residential Amenity**

7.2. The site is a brownfield site located on residential zoned lands within the outskirts of Galway City Centre. The proposed development replaces three individual dwellings removed under permission Reg Ref No 09/474 and includes one block of 14 no apartments, four storey in height decreasing to three storeys at the rear of the site (north). The grounds of appeal are submitted from the resident of the property to the west of the site who is concerned the proposed development will have a negative impact on their residential amenity, in particular the significant difference in the grounds levels and the overlooking, which is assessed separately below.

7.3. Ground levels- The ground levels of the existing site are lower (FFL 7.35) than appellant's property to the west (FFL 8.00) and follow the contours of the road towards the main junction to the south east of the site. The FFL of the proposed access road which runs along the side of the appellant's dwelling is 6.81. The applicant's response to the grounds of appeal includes a proposal to include a proprietary cantilever retaining wall at the side of the applicant's dwelling, along the northern boundary, and in line with the majority of the rear garden. I note the existing ground differences in the site and the contours along the main road and I consider it reasonable that the ground levels would differ from the proposed development and

the existing property to the west of the site. In addition, it is considered the use of the retaining wall will include additional support to the appellant's site, preventing any subsidence and I consider the applicant should be required to submit a Construction Management Plan to ensure the appropriate removal of any materials required to achieve the proposed ground levels.

- 7.4. Overlooking- The apartment building extends along the east of the appellant's dwelling, includes two storeys to the rear (north) and is separated by the access and internal road for the proposed development. Section 11.3.1 (d) of the development plan requires a minimum separation distance of 11m above ground floor to prevent overlooking on private open space. The balconies for apartments A03 and A04 (first floor) and A05 and A06 (second floor) were amended on foot of a further information to allow a setback beyond 11m from the boundary line. In addition, the orientation of windows for the living space for the apartments along the western boundary was altered to ensure a minimum distance of 12.7m. I note there are no windows along the eastern elevation of the appellants dwelling. Therefore, having regard to the 11m separation distance from the side boundary of the rear garden and the first and second floor balconies, I do not consider there will any overlooking which will have a significant negative impact on the residential amenity of that property to the west of the site.
- 7.5. Overshadowing- The height of the apartment building is 14m along the front (south) of the site and decreases to 11m at the rear of the site (north) and is located 11m to the east of the appellant's dwelling. As stated above, the separation distance between the boundary and the apartment development is 11m. Shadow profile drawings accompanied the submission for further information illustrating overshadowing along the side and rear of the appellant's property in the morning. I note the absence of any windows along the east of the applicants dwelling and having regard to the location of this brownfield site in the city centre and the requirement for high density development, I do not consider the overshadowing on the rear amenity space during the early morning hours would have a significant negative impact on the appellant's property to warrant a refusal.
- 7.6. Open Space-The site is 1,930m<sup>2</sup> in size, a landscaping plan was submitted on foot of a clarification of further information with the provision of 184.14m<sup>2</sup> public open space in a consolidated block to the east of the site adjoining the public road. The

submitted landscaping plan illustrates a number of lawned areas with 11 no. areas with bedding plants. A seated area with a pergola is located to the east of the site adjacent to the main road. The quantum of open space is scattered throughout the development which is reasonable considering the size of the site and the required standards in Appendix 1 of the national guidelines for apartment development. I note the area designated for the main public open space adjoining the main road was reduced in size in the clarification of further information with the removal of proposed play facilities. Section 4.13 of the apartment guidelines requires the provision of appropriate play areas. In this regard, I consider it reasonable to condition the inclusion of a play area as a condition on any grant of permission and I consider mature planting along the boundary adjoining the main road should be included in any landscape scheme to allow for a level of privacy and security for the users of this open space.

- 7.7. Development Standards: A schedule of the room sizes is submitted with the clarification of further information which complies with minimum standards as set out in Apartment Guidelines (2018).
- 7.8. Therefore, having regard to the urban setting and the pattern of development in the vicinity I consider the site is appropriate for a higher density development which supports the objectives of the National Planning Framework to facilitate Galway City as a regional centre. In addition, having regard to the location of the proposed apartment building, the reduction in the height of the apartments to the rear of the site and the separation distance I do not consider there would be a significant negative impact on the residential amenity of the residents.

### **Impact on Visual Amenity**

- 7.9. The building fronts onto the R338 and main route into Galway City Centre from the east, the adjoining dwellings are modest in height although further west, along the same road, the buildings of the Galway Financial Services Centre are three storeys in height.
- 7.10. The previous building line on the site was staggered along the road and to the rear adjoining the appellants dwelling. Observations to the planning application referred to the removal of the building line and the negative impact this had on the surrounding area.

- 7.11. Section 8.7 of the development plan includes guidance on appropriate urban design which is to be of a high standard and requires compliance with the national guidance on urban design '*Guidelines for Planning Authorities on, Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009*' and the accompanying design manual. These Guidelines advocate high quality sustainable development that are well designed and built to integrate with the existing or new communities and the design manual provides best practice design criteria such as context, connections, inclusivity, variety, efficiency, layout etc. The proposed development is assessed against these criteria.
- 7.12. The positioning of the highest apartment block along the front and to the east of the site ensures a higher density of development is supported whilst also preventing a negative impact on the existing residential amenity, discussed above. The modern elevation treatment and palate of simple materials (cladding and render) is appropriate to support the guidance. Condition no 4 requires the submission of the exact stone finish used on the boundaries to be support for written agreement of the planning authority which I consider reasonable. The building line is set forward on the site, I consider this location will support a good public realm along the road and allow the car parking to be set behind the building.
- 7.13. I consider the location and overall scale and design of the apartment building complies with the principles of good urban design and therefore will not have a negative visual impact on the surrounding area.

### **Access and Parking**

- 7.14. Vehicular access into the site is directly off the main R338 a busy regional route into Galway City Centre and the proposal includes the relocation of the access west, closer to the appellant's dwelling to accommodate 14 no car parking spaces, which complies with the development plan standards. The grounds of appeal consider the turning and movement of traffic into the site will have a negative impact. Having regard to the existing location, the existing high volumes of traffic along the site and the pattern of development in the vicinity, I do consider the movement of 14 no vehicles would have a significant negative impact.
- 7.15. Sight visibility splays and compliance with DMURS was submitted with the further information request. A proposal to erect bollards along the centreline of the

Mooneenagesha Road, prevents right turning into the site and was assessed as part of the Road Safety Audit. The report of the Roads Department refers to the need for a set back and the construction of a median. Condition no 2 required the completion of a road median restricting right hand turns into the development entrance prior to the occupation of the residential units and condition no 14 requires the submission of the exact line and configuration of the junction of the access road for the written agreement of the Planning Authority. I consider the inclusion of both conditions reasonable to prevent a negative impact on the movement of traffic along the regional road. In addition, the submitted Road Safety Audit recommends other measures such as shared surface, signage etc. which should be conditioned within any grant of permission ensuring the safe flow of vehicles and pedestrians.

### **Appropriate Assessment**

- 7.16. The site is located c.200m north of Galway Bay Complex SAC (site code 000268) and c. 300m north of the Inner Galway Bay SPA (site code 004031). The proposal includes connection to the public water and waste water system. A new local storm water network integrates the use of SUDS measures soakaways within the open space complying with BRE Digest 365 and silt traps within inspections chambers and a hydrocarbon interceptor treating the storm water prior to being dispose to the attenuation system in the car park.
- 7.17. Condition No 12 requires the surface water to remain on the site, which I consider reasonable. The site contains hard surfacing, remaining from the previous dwellings on the site and the proposed development includes a lowering of ground levels, as discussed above, and condition no. 10 required the submission of a construction management plan which I consider reasonable to ensure the appropriate treatment of any waste during operation and to prevent contamination of the ground or surface waters.
- 7.18. The site contains a row of mature leylandi trees. I note the species of interest listed for the Inner Galway SPA and I do not consider the removal of these trees would have any significant negative impact on the conservation objectives of this European Site.
- 7.19. Therefore, having regard to the nature and scale of the proposed development and the provision of services for the site and separation distance to the nearest European

site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site

## **8.0 Recommendation**

8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

## **9.0 Reasons and Considerations**

Having regard to the:

1. national guidelines for Sustainable Residential Development in Urban Area and the accompanying Design Manual, the Design Manual for Urban Roads and Streets and the Design Standards for New Apartments,
2. the residential zoning (R) of the site, the site specific zoning for the provision of a local centre and the policies and objectives of the Galway City Development Plan 2017-2023, and
3. the pattern of development in the area.

It is considered that subject to compliance with the conditions as set out below the proposed development would not seriously injure the amenities of the area, or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 24<sup>th</sup> of December 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be



agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to commencement of development, the applicant shall submit plans and particulars for the exact line and configuration of the junction into the site for the access road.

The proposed road median restricting right hand turns into the development and the recommendations from the Roads Safety Audit shall be completed prior to occupation of the residential units.

**Reason:** In the interest of traffic safety and to prevent the development of this area prior to its use for future road improvements

3. No fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted shall be installed unless authorised by a prior grant of planning permission.

**Reason:** In the interest of visual amenity

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
  - (a) details of all proposed hard surface finishes to support the principle of Sustainable Urban Drainage Systems (SUDS), including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
  - (b) proposed locations of trees and other landscape planting in the development (semi mature planting along the front of the site, south and around the communal amenity space), including details of proposed

species and settings;

(c) details of proposed playground equipment (minimum of one formal play facility adjoining the kick about area) and treatment of ground finish, street furniture including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of residential and visual amenity and in order to prevent surface water run-off.

5. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces and at the entrance into the site, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of amenity and public safety

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

(b) Location of areas for construction site offices and staff facilities;

(c) Details of site security fencing and hoardings;

(d) Details of on-site car parking facilities for site workers during the course

of construction;

(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

(f) Measures to obviate queuing of construction traffic on the adjoining road network;

(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works

(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

7. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A

management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

**Reason:** To provide for the future maintenance of this development in the interest of residential amenity and orderly development.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

9. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

10. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health

11. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the

planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

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Karen Hamilton  
Planning Inspector

27<sup>th</sup> of February 2019